



CHIEF EXAMINER REPORT

JUNE 2026

LEVEL 6 UNIT 7 – FAMILY LAW

The purpose of the report is to provide candidates and training providers with guidance as to the key points candidates should have included in their answers to the June 2026 examinations.

The 'suggested points for responses' set out points that a good (merit/distinction) candidate would have made.

Candidates will have received credit, where applicable, for other points not addressed.

Chief Examiner Overview

In Section A, the strongest answers were able to both identify and explain the relevant law AND answer the specific question. As noted in the last Chief Examiner report, where the question paper asks for critical analysis of a statement, the answer should explain the relevant law and then move on to evaluate the statement from different points of view and with reference to case law.

In Section B, many candidates were able to identify and apply relevant law. However, candidates should be prepared to address the scenarios as set and not rely on pre-learned answers that are not specific to the facts.

Candidate Performance and Suggested Points for Responses

It is noted that the low numbers of candidates taking the Level 6 exams limits the scope for constructive feedback to be given and for firm conclusions to be reached. Therefore, feedback on candidate performance may be limited.

Section A

Question 1a	13 marks
This question required understanding of the law relating to cohabitants upon relationship breakdown. Candidates then had to compare this situation to how the law supports those who have been married or civil partners when their relationships break down. Many candidates correctly identified that there is no such thing as a 'common law marriage' and went on to consider relevant legislation and case law. Many candidates engaged in a general comparison but without deeper critical analysis, and candidates were unaware of the Law Commission action in this area and the Cohabitation Rights Bill.	
Suggested Points for Response:	
- Cohabitants can only rely on trusts and property law – TOLATA 1996 - No such thing as a common law marriage - The most a court can do under TOLATA 1996 is declare property interests of each party and order sale of the family home - S 15 TOLATA lists the factors a court should consider – this includes the welfare of any child, but not the income or needs of either cohabitant. - Discussion of statutory provisions in MCA 1973 and CPA 2004 - Discussion of orders such as periodical payments and lump sum orders; pension orders or transfer of property orders available under MCA 1973 and CPA 2004 – but not for cohabitants - Discussion of key cases on divorce and financial orders (e.g., White v White, Charman v Charman, Miller v Miller, McFarlane v McFarlane) - Discussion of key cases on cohabitation and property (e.g., Stack v Dowden, Jones v Kernott, Lloyds Bank v Rosset, Oxley v Hiscock)	

Question 1b	12 marks
This question required knowledge and understanding of the legal framework for financial support for children, examining this in the context of parents who have been cohabitants and parents who have been married or civil partners. very few candidates who answered this question could discuss provisions of the Child Support Act 1991 (and Child Maintenance Service), the Children Act 1989 and the Matrimonial Causes Act 1973 and Civil Partnership Act 2004. Most candidates were able to correctly state that parents have duties to support their children regardless of their relationship status.	
Suggested Points for Response:	
- Orders for children under MCA 1973 (periodical payments, lump sums, property adjustment) - Discussion of importance of S25(3) MCA 1973 factors relevant to children - Definition of 'child of family' - Schedule 1 Children Act 1989 orders - Child Support Act 1991 - CMS - jurisdiction – applies regardless of parental relationship - Discussion of CMS – definition of relevant child; calculation; enforcement, family-based arrangements	

Question 2	25 marks
This was a challenging question and not attempted by many candidates. The question required detailed understanding of the rules on formalities relating to marriage and civil partnerships, with specific focus on religious ceremonies. The basic distinction for civil partnerships was understood, though the development of the law under the Equality Act 2010 was not appreciated. Candidates should also have discussed the need for many religious marriage ceremonies to be accompanied by a civil wedding in order to be a legal marriage.	
Suggested Points for Response:	
Marriage: • Marriage Acts 1949 – 1994 • MCA 1973 – s.11 – formalities must be complied with for valid marriage • Discussion of formalities in general: notice, ceremony, registration • Marriages and Civil Partnerships (Approved Premises) (Amendment) Regulations 2021 – allow marriages and CPs to take place outside. • Vows create the marriage • Lack of compliance with formalities can render the marriage void Civil partnerships: • Civil Partnership Act 2004 • Discussion of formalities in general: notice, ceremony, registration • Signing of registration document forms the civil partnership • Lack of compliance can render the CP void Religious ceremonies: • For many religious faiths a civil ceremony is required in addition to the religious wedding • Non-CofE weddings – must take place in registered buildings; authorised officiant; witnesses. • Many religious weddings are not followed by civil ceremonies – and are therefore not legally valid • Civil partnerships cannot be formed through religious ceremonies • Civil partnerships can take place in religious settings – Equality Act 2010 s202 – as long as approved by LA. Same sex couples: • CofE cannot conduct religious weddings • Faith groups can choose to ‘opt in’ or not to allow same sex couples to marry by religious ceremony	

Question 3	25 marks
This was a popular question and required knowledge and understanding of protections against domestic abuse under the Family Law Act 1996 as well as under the Domestic Abuse Act 2021. Only a few candidates could engage in analysis of the future of the Family Law Act 1996 orders, though where this was done, it was done thoughtfully and well.	
Suggested Points for Response:	
• <u>Definition of domestic abuse under DAA 2021</u> • Domestic Abuse Protection Notices and Orders – DAA 2021 • Replace DVPN and DVPO under Crime and Security Act 2010 • Discussion of DAPOs – application, duration, role of police, victim can apply, role of magistrates’ courts • Connected persons	

- Discussion of how DAPOs involve both the police and civil court orders
- Breach of DAPO is criminal offence
- Family Law Act 1996
- Non-molestation orders – civil court order
- Occupation orders – civil court order
- Discussion of who is the applicant for either type of order
- Discussion of associated persons, relevant children
- Discussion of definition of molestation
- Discussion of types of occupation order
- Discussion of relative difficulty of obtaining either order
- Responses **must** include an attempt to discuss whether there will be a continuing role or need for non-mol and occupation orders

Question 4	25 marks
This was a relatively straightforward question requiring understanding of the law on surrogacy. In this case, the question asks candidates to critically analyse whether the law is in need of reform. Some candidates provided overly descriptive answers and did not achieve high marks as a result.	
Suggested Points for Response:	
• Discussion of Surrogacy Arrangements Act 1985 • Discussion of HFEA 2008 with specific sections • Discussion of who is a child's mother, father and 2nd parent in surrogacy situations with specific sections cited • Discussion of reasonable expenses • Discussion of parental orders and conditions • Discussion of controversial aspects of current law (expenses, non-binding agreements, parental orders)	

Section B

Question 1	25 marks
This question required understanding of marriage, validity of a marriage, voidable marriage and the possibility of a non-qualifying ceremony or 'non-marriage.' Those candidates who did answer the question tended to focus on whether the marriage was voidable for duress, but there was much else to discuss. Candidates should be prepared to synthesise learning from various parts of the Unit Specification in answering some questions.	
Suggested Points for Response:	
Definition of marriage • Requirements for valid marriage – s11 MCA 1973 • Voidable marriage – s12 MCA 1973 • Formalities for valid marriage – MA 1949 • Non-marriage (case of <i>Akhter v Khan</i>) Application: • Marriage does not appear to be void under s11 MCA 1973 • Formalities may be problematic: advance notice, ceremony and registration. • Wedding must take place on authorised premises, with 2 witnesses and an authorised officiant. • Non-marriage and discussion of <i>Akhter v Khan</i> – did the parties actually intend this to be a real wedding? Does it have the hallmarks of a wedding? • Discussion of whether the marriage is voidable on the basis of duress re: the prenuptial agreement – S.12(c) MCA 1973 - <i>Hirani v Hirani</i> • Voidable due to lack of consent through alcohol (s.12c) • Voidable due to s.12(e) MCA 1973 • Bars to applications – s13 MCA 1973 – 3 years for lack of consent and STD.	

Question 2	25 marks
This question required understanding of child law, particularly relating to Child Arrangements Orders under S. 8 Children Act 1989. Candidates who performed well on this question were able to discuss the particular issue of contact with a parent against whom there have been allegations of domestic abuse. Relevant case law was applied, though few candidates were aware of Practice Direction 12J (Child Arrangement and Contact Orders: Domestic Violence and Harm). Most candidates made the common error of assuming that a parent needs to have parental responsibility in order to make an application under S.10(4) Children Act 1989.	
Suggested Points for Response:	
• S.8 CA 1989 • Definition of child arrangements order • S1(1) CA 1989 – welfare principle • No delay principle • No order principle • Parental involvement principle • S.1(3) CA 1989 – welfare checklist • S3 CA 1989 – parental responsibility • S2(5) CA 1989 – PR can be shared • S10(4) – both parents can apply for any S8 order as parents (PR not needed) - <u>common error</u> • Re L;V;M;H (2000) and how courts address DA in contact applications • Re B-B (Domestic Abuse Fact-Finding) (Rev 1) [2022] – fact-finding hearing • Re H-N and others (children) (domestic abuse: finding of fact hearings) [2021]. • Other relevant cases	

Question 3	25 marks
This was a popular question and generally well answered. Most candidates demonstrated understanding of the law on domestic abuse. Candidates tended to focus largely on the Family Law Act 1996 and are encouraged to become more familiar with the law in the Domestic Abuse Act 2021. Candidates are encouraged to ensure that when answering a question such as this, where there is a large amount of relevant law, that sufficient time is spent on application of the law to the facts.	
Suggested Points for Response:	
• Domestic Abuse Act 2021 • Definition of domestic abuse • Gareth as relevant child • Economic abuse • Serious Crime Act 2010, s76 offence of controlling and coercive behaviour • Family Law Act 1996 • Occupation order • FLA 1996 s 33 – Bronwyn has home rights and is entitled to occupy the house • Balance of harm test – • Regulatory orders • Relevant cases • Bronwyn can seek to move back into the house with Gareth until she can find somewhere to live. • Will need to consider Megan’s ability to find and afford accommodation – • Non-molestation order • to protect Bronwyn and Gareth from further violence • Definition of molestation • Relevant case law • Test – to ensure health, protection and well-being of applicant and relevant child • Undertaking by Meghan • Duration of orders • Enforcement for breach of orders	

Question 4a	6 marks
This was a popular question and well answered. Candidates were able to discuss the possibility of divorce and judicial separation. Candidates are advised not to spend too much time on the ‘old’ law of divorce, though mentioning the fact that Yusuf would not be able to contest Samira’s application was a valid and important point.	
Suggested Points for Response:	
• Discussion of options: • Judicial separation s17 MCA 1973 • Discussion of effects of JS order • Ground for JS • Divorce under s1 MCA 1973 • 1 year rule • Effect of DDSA 2020 – removal of 5 facts • Single ground – irretrievable breakdown of the marriage • Yusuf cannot contest the application • Conditional and final order • Time conditions	

Question 4b	19 marks
Candidates did well on this popular question. Understanding of the orders and guidelines under the Matrimonial Causes Act 1973 was required, along with understanding of judicial guidance. Strong answers proposed a sensible package of potential orders and addressed some of the specific issues, such as the inheritance, pensions, and Samira's contributions to the welfare of the family.	
Suggested Points for Response:	
• Discussion of possible orders under MCA 1973 • Application of S25 MCA 1973 factors • Judicial principles: equality, sharing, compensation • Relevant case law (e.g., Miller;McFarlane, White v White, Charman v Charman) • Specific issues: • Inheritance and whether it forms part of the marital pot • Pension sharing • Family home and Samira's lack of income and housing • Samira's contributions to the family looking after Yusuf's parents • Comfortable lifestyle and whether it can be continued • Clean break – is it appropriate given Samira's age and lack of recent work experience?	